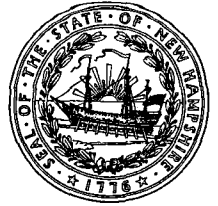




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2004-33

August 4, 2004

Bayside Inn  
C/O Stephen Rogers  
Route 11D  
Alton Bay, NH 03810

RE: DES Wetlands File #1993-00510, Alton Bay

Dear Mr. Rogers:

On July 8, 2004 and July 23, 2004, personnel from the Department of Environmental Services ("DES") conducted inspections of the above referenced property, more specifically referenced on Town of Alton Tax Map 51 as Lot 28 (the "Property"). The purpose of the inspections was to determine whether the Property is in compliance with plans by George M. Chrisenton dated 10 July 1990, as received by DES on May 5, 1993 (the "1993 Plans"), RSA 482-A, NH Wetlands Law and Administrative Rules Wt 100-800, NH Wetlands Rules. DES records for this Property include photographs of the Property showing all structures on the frontage in 1993 and the approved plans, previously cited. The recent inspections were conducted in response to a complaint that a pier had been constructed on an existing jetty located directly adjacent to the southerly property line without a permit from DES.

A comparison of the 1993 Plans and photographs with the July 8, 2004 inspection findings indicated that previously existing structures have been expanded and a new pier is installed on the Property. Review of DES records indicated that no permits have been issued for modifications to the docking facility since the repair permit was issued October 19, 1993. During the July 8, 2004, inspection, you informed DES that there had been no modifications made to the docking facility and that the pier installed on the jetty had been there at least since the 1950's. You specifically told DES personnel that you had not done any repairs to the docking facility that might have been construed as a modification.

During the July 23, 2004 inspection the following deficiencies were documented:

1. A pier measuring 9'4" x 45'3" was installed on top of the jetty located on the southerly boundary of the Property. The pier is not shown on the Plans nor is it shown in photographs received by DES on April 16, May 5, or June 29, 1993. Photographs submitted by the complainant to DES indicate that the dock was not in place during the spring of 2004.

2. The jetty located under the pier (see enclosed plan) extended 45' lakeward of the normal high water line (elevation 504.32 on Lake Winnepesaukee). The Plans specified a 30' jetty in this location. The extension of this structure beyond 30' in length was specifically denied on October 19, 1993.
3. The pier labeled Pier #1 (see enclosed plan) measured 6'6" x 41'1". The Plans specified a 4' x 36' pier in this location.
4. The pier labeled Pier #2 (see enclosed plan) measured 42'4" long. The Plans specified a 40' pier in this location.
5. The pier labeled Pier # 4 (see enclosed plan) measured 11' 6" wide. The Plans specified an 11' wide pier in this location.
6. The facility labeled "Swim Deck" (see enclosed plan) measured 8'8" wide at the widest point. The Plans show the maximum width of the Swim Deck to be 7' wide.
7. Approximately 91' north of Pier #1 (see enclosed plan) DES personnel observed an approximately 75 square foot concrete area extending lakeward of the existing retaining wall and supporting two seasonal personal watercraft ramps. The concrete area and PWC ramps were not shown on the Plans.

In response, you are requested to take the following actions:

1. Submit plans and a construction sequence, including a timetable for completion, for the restoration of the docking facilities to the conditions shown on the plans approved October 19, 1993 to the DES Wetlands Bureau by August 26, 2004.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

D. Forst  
Shoreland Program Supervisor  
Wetlands Bureau

Enclosure: Property Plan

CERTIFIED MAIL # 7003 2260 0005 9209 9284

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Alton Conservation Commission  
Alton Board of Selectmen  
USACOE